

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE ADOPTION OF	)	
RULES AND REGULATIONS TO	)	
IMPLEMENT THE PROVISIONS OF 26 <i>DEL.</i>	)	
<i>C. CH. 10</i> RELATING TO THE CREATION	)	
OF A COMPETITIVE MARKET FOR RE-	)	PSC REGULATION DOCKET NO. 49
TAIL ELECTRIC SUPPLY SERVICE	)	
(OPENED APRIL 27, 1999; RE-OPENED	)	
JANUARY 7, 2003; SEPTEMBER 22, 2009;	)	
SEPTEMBER 7, 2010; JULY 17, 2012; JULY	)	
14, 2021; AND OCTOBER 12, 2022)	)	

**ORDER NO. 10217**

**AND NOW**, this 26<sup>th</sup> day of April 2023, the Delaware Public Service Commission (“Commission”) determines and orders as follows:

**WHEREAS**, on July 22, 2022, the Governor of the State of Delaware signed into law Senate Bill 298, which amended provisions in 26 *Del. C.* § 1014 relating to net energy metering, including: (1) increasing the cap at which an electric utility may elect not to provide net metering services from the current 5% of its peak demand to 8%; (2) providing that the Commission’s net energy metering rules must consider the reliability, safety, and capacity of the electric distribution system; (3) defining “Excess kWh Credit” as any excess production in kWh of a net energy metering customer’s generating facility that exceeds the customer’s on- site consumption of kWh in a billing period; (4) removing the charges for societal benefits programs from those charges against which a commission-regulated utility applies a net energy metering customer’s “Excess kWh Credits” in subsequent monthly billing periods (and to define “societal benefits programs”); (5) providing that electric utilities shall not reimburse or credit net energy metering customers for any “Excess kWh Credits” at the end of the annualized billing period, and that “Excess kWh Credits” shall revert to the electric distribution company at the end of the annualized billing period;

(6) providing that, if a net metering customer abandons the property where the generating equipment is located, the equipment may remain connected to the electric distribution system unless the equipment presents a risk to the safety and reliability of the system; and (7) providing that non-residential customers shall be responsible for the reasonable cost of meters that are installed or modified for net-metering purposes and caps such costs for residential customers at \$200; and

**WHEREAS**, on October 12, 2022, Commission Staff (“Staff”) petitioned the Commission to re-open Regulation Docket No. 49, as Staff found that amendments to the *Rules for Certification and Regulation of Electric Suppliers, Net Metering and Community Energy Facilities Rules*, 26 Del. C. § 3001 et seq. (“Rules”) were necessary for compliance with the new requirements set forth by Senate Bill 298, which are specifically detailed as follows:

- (1) to update the definition of “Annualized Billing Period” in subsection 1.0 to be effective January 1, 2023 and that a Net Metering Customer may elect to change the end of the Annualized Billing Period on one occasion;
- (2) to include a definition for “Excess kWh Credit” in subsection 1.0;
- (3) to include a definition for “Societal Benefits Program” in subsection 1.0;
- (4) to update subsection 14.0 by removing “Disclosure of Fuel Resource Mix” and reserving the subsection;
- (5) to update subsection 15.1.2.1.3 by changing “the Delaware Energy Office” to DNREC;
- (6) to update subsection 15.2 to state that net metering shall be accomplished through a single meter that measures net energy flow during a billing period;

- (7) to update subsection 15.2.1 to reflect that meters to monitor the flow of electricity may be installed with the consent of the Customer and that consent may be waived by the customer;
- (8) to update subsection 15.2.2 to remove language that when required a Customer shall pay the Electric Supplier the difference between the larger capacity meter investment and the metering investment normally provided under the Customer's service classification;
- (9) to update subsection 15.2.3 to remove the language and to state that non-residential customers shall be responsible for paying the reasonable cost of any new, replacement, or modified meter or meters installed for net-metering purposes, and that residential customers shall not be responsible for paying more than \$200.00 toward the reasonable costs of any new, replacement, or modified meter or meters installed for net-metering purposes, and to include that Non-residential and residential customers shall not own the meter or meters;
- (10) to update subsection 15.3 to state that Electric Suppliers and EDCs shall credit Excess kWh Credits to the customer's subsequent monthly billing periods to offset the customer's consumption in those billing periods;
- (11) to update subsection 15.3.1 to state that Excess kWh Credits at the end of the Annualized Billing Period shall revert to the EDC providing electric distribution to the Customer;
- (12) to update subsection 15.3.2 to state that for existing and future Net Energy Metering Customers, both residential and nonresidential, the monthly Excess kWh Credit shall be valued at the sum of the volumetric (kWh) components of the supply service changes

- and the distribution service charges, not including the charges for Societal Benefits Programs, according to each participating Customer account's rate schedule;
- (13) to update subsection 15.3.3 to include the defined "Excess kWh Credits" and to replace "Electric Supplier" with "EDC;"
  - (14) to update subsection 15.3.4 to include "or by other means;"
  - (15) to update subsection 15.3.5 to state that "Subsections 15.3 through 15.3.4 shall not apply to Community Energy Facilities, which are addressed in Section 16 of these Regulations;"
  - (16) to update subsection 15.3.6 to state that "Excess kWh Credits for supply service are the responsibility of the entity providing supply to the Customer rather than solely the responsibility of the EDC;"
  - (17) to update subsection 15.3.7 to state that if a Net Energy Metering Customer abandons the property where the energy generating equipment is located, the equipment may remain connected to the electric distribution system, unless the equipment presents a risk to the safety and reliability of the electric distribution system;
  - (18) to update subsection 15.3.8, which in part was previously subsection 15.3.5, to include EDCs;
  - (19) to add subsection 15.3.9, which in part was previously subsection 15.3.6, to state that if a Net Metering Customer terminates its service with the EDC or changes Electric Supplier, the Electric Supplier terminating service shall treat the end of service period as if it were the end of the Annualized Billing Period for any excess kWh credits;
  - (20) to add subsection 15.3.10, which in part was previously subsection 15.3.6, to state that if the total generating capacity, measured in megawatts (MW) of alternating current

(AC), of all Customer generation using net metering systems served by an electric utility exceeds 8% of the capacity necessary to meet the EDC's average Delaware transmission peak demand for the preceding 3 years, the EDC may elect not to provide Net Metering services to additional customers;

(21) to add subsection 15.3.11, which in part was previously subsection 15.3.11, to state that where applicable, the requirements established in subsection 15.6 of these Regulations shall apply to this subsection 15.3; and

(22) to update the statutory citation in subsection 17.1 to Delaware's Freedom of Information Act ("FOIA") and to provide additional requirements to qualify as a non-public records filing; and

**WHEREAS**, on October 12, 2022, by Order No. 10109, the Commission reopened this docket, approved publication of the Proposed Amendments, directed the Secretary of the Commission ("Secretary") to transmit the amended Rules to the Registrar of Regulations ("Registrar") for publication in the November edition of the *Delaware Registrar*, as required by 29 *Del. C.* § 10113, and in accordance with 26 *Del. C.* § 209(a) and 29 *Del. C.* § 10118(a), stated that the Commission would hold a public hearing on the proposed amendments on December 14, 2022, with the public comment period remaining open until December 29, 2022; and

**WHEREAS**, on November 28, 2022, the Division of the Public Advocate (the "DPA") submitted written comments regarding the Proposed Amendments to be considered at the December 14, 2022 hearing, which questioned whether net metering customers who have already made the election to change the end of the Annualized Billing Period on one occasion in order to better utilize excess generation will be permitted to make it a second time; and

**WHEREAS**, on November 28, 2022, Delmarva Power & Light Company (“Delmarva”), submitted written comments regarding Staff’s proposed Amendments (“Proposed Amendments”) to be considered at the December 14, 2022 hearing, which, in summary, supported the proposed regulations, but raised an issue with Delmarva’s ability to implement billing system upgrades as relevant in subsection 15.3.1 and 15.3.2 before the end of 2023.<sup>1</sup> Because of Delmarva’s inability to implement according to Senate Bill 298, Delmarva proposed language to subsection 15.3.1 to reflect that through December 31, 2023 a customer may request payment for any excess kWh credits and also proposed that subsection 15.3.2 shall take effect on January 1, 2024; and

**WHEREAS**, pursuant to 26 *Del. C.* § 209(a), on December 14, 2022, the Commission conducted a public hearing to consider written comments submitted by November 28, 2022;<sup>2</sup> and

**WHEREAS**, on December 14, 2022, Delmarva provided oral comments, which first stated its general support for the proposed regulations. Second, Delmarva again commented on its issue pertaining to the implementation of billing system upgrades required by Senate Bill 298, and stated that, “due to the long lead time for complex IT projects that are already in the queue at Delmarva, such changes would only be feasible at the end of 2023.”<sup>3</sup> Delmarva stated that this “practical constraint” was raised several times during Energy Stakeholders Meeting and in email exchanges thereafter.<sup>4</sup> Delmarva then stated that its proposed language would expressly memorialize that certain facets of Senate Bill 298 would be effectuated at the end of 2023, which would pertain to subsections 15.3.1 and 15.3.2.<sup>5</sup> Delmarva then requested that its proposed language be included in

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<sup>1</sup> See Delmarva Initial Comments, November 28, 2022 for the complete proposed language to Subsections 15.3.1 and 15.3.2.

<sup>2</sup> Pursuant to 29 *Del. C.* § 10118(a), the opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the Register of Regulations. The Proposed Amendments were published on October 1, 2022.

<sup>3</sup> December 14, 2022 Transcript at 1096, lines 10-13 (“Tr. at \_\_\_\_”).

<sup>4</sup> Tr. at 1096, lines 14-16.

<sup>5</sup> Tr. at 1096-97.

the Regulations so that legislative change and or a “request for a waiver” to the Commission would not be needed by Delmarva;<sup>6</sup> and

**WHEREAS**, on December 14, 2022, DPA provided oral comments. The DPA first stated the question the DPA submitted in its November 28, 2022 written comments was answered to the DPA’s satisfaction.<sup>7</sup> The DPA requested that the Commission approve the Proposed Amendments as final.<sup>8</sup> The DPA then made comment regarding Delmarva’s written and oral comments. The DPA first stated that Delmarva seeks to add language to the Regulations which would change what the General Assembly intended because the language Delmarva proposed would postpone when the General Assembly intended Section 1014 to become operative.<sup>9</sup> The DPA directed the Commission’s attention to Senate Bill 298, and specifically to subsection § 1014(e)(1)(b).<sup>10</sup> The DPA stated that the Commission should note that in Senate Bill 298, the calculation does not include any discussion of weighted averages or a number of billing periods, as one of Delmarva’s proposed changes does; and there is no postponement until the end of 2023, or the beginning of 2024, as to when these requirements are to take effect. The DPA stated that the Commission cannot make changes to the statute through its own Regulations.<sup>11</sup> Additionally, the DPA stated that with respect to Senator Hansen’s forums (where Delmarva stated it voiced its inability to implement the billing system upgrades), the Commission has not considered what happened in the forums happenings to be part of the record before the Commission.<sup>12</sup> The DPA accordingly argued that if what happened in the forums was not a part of the record in past matters, then it is not relevant in

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<sup>6</sup> Tr. at 1097, lines 4-10.

<sup>7</sup> Tr. at 1098, lines 5-7.

<sup>8</sup> Tr. at 1098, lines 8-10.

<sup>9</sup> Tr. at 1097, lines 11-16.

<sup>10</sup> Tr. at 1098-99.

<sup>11</sup> Tr. at 1100, lines 6-10.

<sup>12</sup> Tr. at 1100-1101 (quoting March 16, 2022 Tr. at 1062-1063).

the instant matter.<sup>13</sup> Second, the DPA then stated its concerns with Delmarva's proposed changes to the Regulations. The DPA noted that case law holds that an administrative agency may not adopt or promulgate rules and regulations that are inconsistent with the provisions of the statute which created it.<sup>14</sup> The DPA noted that while subsection 15.3.1 as drafted by Staff restates the statutory language from Senate Bill 298, Delmarva's proposed additions to that subsection would add language to the regulations that is not in the statute.<sup>15</sup> Next, the DPA cited to Delaware case law which states that "[w]here there exists no controlling constitutional or general statutory provision, as is true in Delaware, the authorities support the proposition that an Act takes effect immediately upon its approval by the Governor unless the Legislature has manifested a contrary intention in the Act itself."<sup>16</sup> Accordingly, the DPA argued that the effective date of Senate Bill 298 was July 22, 2022 when the Governor signed it into law.<sup>17</sup> Additionally, the DPA stated that because the General Assembly did not specify a different operative date for Senate Bill 298, the effective date and operative date of the amendments are the same and that the Commission is bound by that in promulgating its own regulations.<sup>18</sup> The DPA further stated that the Commission has itself recognized that it cannot go beyond what the statute authorizes it to do.<sup>19</sup> The DPA stated that if Delmarva wants to change the operative date of the statute, Delmarva should seek legislative change;<sup>20</sup> and

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<sup>13</sup> Tr. at 1101, lines 4-9.

<sup>14</sup> See *Wilmington Country Club v. Delaware Liquor Com'n.*, 91 A.2d 250, 254 (Del. Sup. Ct. 1952).

<sup>15</sup> Tr. at 1103, lines 13-17.

<sup>16</sup> See *Conway v. Wolf Liquor Co.*, 200 A.2d, 831, 834 (Del. 1964).

<sup>17</sup> Tr. at 1103, lines 15-16.

<sup>18</sup> Tr. at 1103, lines 17-21. See also *Id.* at 1104-05 (The DPA citing other examples where General Assembly postponed operative date of amendments to statutes).

<sup>19</sup> Tr. at 1105, lines 15-17. See Docket Nos. 21-0408 and 21-0409 (the Commission rejected both of Delmarva's requests, stating that the statutory language did not allow the Commission to do so).

<sup>20</sup> Tr. at 1106, lines 13-14.



**WHEREAS**, on December 14, 2022, Staff made oral comments regarding Delmarva's proposed changes. Staff first noted that it agreed with the DPA's comments.<sup>21</sup> Staff cited to the recent decision in *State ex rel. Jennings v. City of Seaford*, 278 A.3d 1149, 1161 (Del. Ch. 2022), which provides that "[t]he Court's goal, in construing statutes and regulations, is to ascertain and give effect to the intent of the legislative body".<sup>22</sup> Staff stated that it does not agree with Delmarva's proposed amendments to 15.3.1 and 15.3.2 because as proposed, Delmarva's changes would conflict with the statute.<sup>23</sup> Staff's position is that because there is no explicit mention as to when the date and provisions in Senate Bill 298 went into effect, and that because Staff is unaware of any source which permits a statute's effective date to become effective at another date, that the effective date of Senate Bill 298 is July 22, 2022. Staff then stated that to adopt a regulation which stated otherwise would conflict with a state statute.<sup>24</sup> Finally, Staff stated that the issue of billing system upgrades and how to proceed should be decided at a later date, in a separate matter;<sup>25</sup> and

**WHEREAS**, in accordance with the Administrative Procedures Act ("APA"), public comment remained open until December 29, 2022;<sup>26</sup> and

**WHEREAS**, on December 29, 2022, the DPA submitted public comment directed at Delmarva's written comments and its oral argument pertaining to subsection 15.3.1 and 15.3.2.<sup>27</sup> Again, the DPA commented that Delmarva's proposed, changes to subsections 15.3.1 15.3.2 change the operative date of when the amendments enacted by the General Assembly through the Commission's Regulations.<sup>28</sup> Accordingly, the DPA noted that the proposed changes should be

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<sup>21</sup> Tr. at 1109, lines 8-10.

<sup>22</sup> Citing *Garrison v. Red Clay Consol. Sch. Distr.*, 3 A.3d 264, 267 (Del. 2010).

<sup>23</sup> Tr. at 1110, lines 3-9.

<sup>24</sup> Tr. at 1111, lines 2-5.

<sup>25</sup> Tr. at 1111-12.

<sup>26</sup> 29 Del. C. § 10118(a) requires that the opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing on a proposed regulation.

<sup>27</sup> See DPA Post-Hearing NEM Comments, December 29, 2022.

<sup>28</sup> *Id.* at 4.

rejected because the Commission does not have the authority to add language to the regulations that is not in the statute.<sup>29</sup> Additionally, the DPA argued that the Commission should reject Delmarva's proposed postponement of SB 298's operative date to December 2023 and January 2024 because the General Assembly did not see fit to postpone the operative date of SB 298. The DPA cited *Conway v. Wolf Liquor Co.*, 200 A.2d 831, 834 (Del. 1964), which states "[w]here there exists no controlling constitutional or general statutory provision, as is true in Delaware, the authorities support the proposition that an Act takes effect immediately upon its approval by the Governor *unless the Legislature has manifested a contrary intention in the Act itself.*" Accordingly, the DPA argues that the effective date of SB 298 was July 22, 2022, when the Governor signed it into law as there was no specification of a different operative date, and to accept otherwise would be an "end run around the statute."<sup>30</sup> The DPA then reiterated its oral comments made on December 14, 2022 regarding Senator Hansen's forums and argued that because the Commission stated that Senator Hansen's forums were not part of the record then, the forums should not be considered by the Commission in this matter.<sup>31</sup> The DPA requested that the Commission approve as final the Proposed Rules as initially published; and

**WHEREAS**, the Commission has considered all comments received by December 29, 2022; and

**WHEREAS**, the Commission has considered all comments received by Delmarva, Staff and the DPA, and notes that just three (3) subsections (subsections 15.3.1 and 15.3.2, and the definition of "Annualized Billing Period") were the only subsections to garner comments. The

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<sup>29</sup> *Id.* at 4 (citing *Wilmington Country Club v. Delaware Liquor Commission*, 91 A.2d 250, 254 (Del. Super. 1952) ("a public administrative agency such as the Commission may not adopt and promulgate rules and regulations which are inconsistent with the provisions of a statute, particularly with a statute which it is administering or which created the agency."))

<sup>30</sup> *Id.* at 5-6. The DPA also cited to other statutes in which the General Assembly did postpone operative date.

<sup>31</sup> *Id.* at 7.

Commission finds that the remaining Proposed Amendments were uncontested. The Commission therefore finds that the uncontested subsections of the Proposed Amendments, specifically: the amendments in subsection 1.0 to “Excess kWh” and “Societal Benefits Program”, and the amendments to subsections 14.0; 15.1.2.1.3; 15.2; 15.2.1; 15.2.1; 15.2.2; 15.2.3; 15.3; 15.3.3; 15.3.4; 15.3.5; 15.3.6; 15.3.7; 15.3.8; 15.3.9; 15.3.10; 15.3.11; and 17.1 should be adopted; and

**WHEREAS**, the Commission finds that the DPA’s comments to the definition of “Annualized Billing Period” were resolved and accordingly finds that the Proposed Amendments to the definition of “Annualized Billing Period” as proposed by Staff should be adopted; and

**WHEREAS**, on March 1, 2023, Senate Bill 54 was introduced in the Delaware Senate and was signed into law by the Governor on March 30, 2023. Senate Bill 54 extended the effective date of certain provisions of Section 1014 of Title 26 of the Delaware Code which impact Staff’s proposed amendments to subsection 15.3.1 and 15.3.2. First, Senate Bill 54 provided that excess kWh Credits at the end of the annualized billing period shall revert to the EDC providing electric distribution to the customer on May 31, 2023, and that a commission-regulated utility may continue to make payments for Annual Excess kWh until May 31, 2023. Senate Bill 54 directly impacts the proposed amendments and the comments received to subsection 15.3.1. Second, Senate Bill 54 provided that effective January 1, 2023, for commission-regulated utilities for existing and future Net Energy Metering Customers, both residential and nonresidential, the monthly Excess kWh Credit shall be valued at the sum of the volumetric (kWh) components of the supply service charges and the distribution service charges, not including the charges for Societal Benefits Programs, according to each participating Customer account’s rate schedule. Senate Bill 54 also directly impacts the proposed amendments and the comments the Commission received to subsection 15.3.2. Accordingly, the Commission rejects Staff’s proposed amendments

to subsection 15.3.1 and 15.3.2. Instead, the Commission may consider a petition to propose amendments to subsections 15.3.1 and 15.3.2 to so to align with Senate Bill 54 at a future time; and

**WHEREAS**, pursuant to 29 *Del. C.* § 10118(c), if changes to the amended rules are not substantive,<sup>32</sup> the agency shall *not* be required to republish the regulation change (*emphasis added*); and

**WHEREAS**, pursuant to 29 *Del. C.* § 10113(b)(4), any changes in existing regulations to alter style or form or to correct technical errors are exempted from the procedural requirements of Title 29 Chapter 101 and may be adopted informally; and

**WHEREAS**, the Commission finds that seven (7) nonsubstantive changes to subsections 2.2.3; 2.2.16.2; 2.3.2; 2.6; 10.1; 11.8.9; and 16.2.3.1.4 are also necessary; and

**WHEREAS**, the Commission finds that subsection 2.2.3, which relates to the Authorization of Certification of Electric Suppliers, should be amended to clarify that documentation from the Delaware Secretary of State should be issued within ninety (90) days of filing. In comparison, the unamended version requires that documentation issued within ninety (90) days of filing from both the Delaware Secretary of State and the Delaware Division of Revenue should be provided. The Commission finds that this nonsubstantive clarification is beneficial to applicants and corrects the form of the subsection. Accordingly, the nonsubstantive amendment to subsection 2.2.3 should be adopted; and

**WHEREAS**, the Commission finds that subsection 2.2.16.2, which relates to a non-publicly traded applicant's financial information for the Certification of Electric Suppliers, should

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<sup>32</sup> See 29 *Del. C.* § 10102(9) (which defines substantive as “when used in connection with regulations, those regulations allowing, requiring or forbidding conduct in which private persons are otherwise free or prohibited to engage, or regulations which state requirements, other than procedural, for obtaining, retaining or renewing a license or any kind of benefit or recompense”).

be amended to clarify that if applicable, the certified financial statements of a publicly-traded parent should be current within twelve (12) months of the filing. The Commission believes that this amended language clarifies the language and requirements. Accordingly, the nonsubstantive amendments to subsection 2.2.16.2 should be adopted; and

**WHEREAS**, the Commission finds that subsection 2.3.2, which specifies the requirements of financial security for electric suppliers, should be amended to clarify that an Applicant for an Electric Supplier Certificate must maintain financial security that complies with the subsection as long as its Electric Supplier Certificate to provide Electric Supply Service to Residential and Small Commercial Customers is valid. The Commission finds that this nonsubstantive amendment serves to clarify the length of time financial security must be maintained and accordingly, finds that this amendment to 2.3.2 should be adopted; and

**WHEREAS**, the Commission finds that subsection 2.6, which relates to the notice requirements Electric Supplier Applicants must follow, should be amended to clarify that each Applicant shall publish notice of the filing of its application in one (1) newspaper of general circulation throughout the State in a Commission-approved form, as opposed to two (2) newspapers. The Commission finds that this nonsubstantive amendment serves to reduce the requirement of newspaper print, which today is not as widely read or circulated as when these Rules were first adopted. As such, the Commission believes that this nonsubstantive amendment to 2.6 should be adopted; and

**WHEREAS**, the Commission finds that subsection 10.1, which relates to General Customer Protections, should be amended to correct the subsection citation so as to reflect the current subsection. The Commission finds that pursuant to 29 *Del. C.* § 10113(b)(4), this is a

change to correct technical errors and accordingly, is exempted from the procedural requirements of Title 29 Chapter 101 and may be adopted informally; and

**WHEREAS**, the Commission finds that subsection 11.8.9.1, which relates to the notification requirements of Electric Suppliers of door-to-door sales activities, should be amended to clarify that notification to the Staff and the DPA of the same should be completed by e-mail. The Commission believes that this amendment will serve to provide Staff and the DPA with current knowledge of door-to-door sales activities, and accordingly, finds that the nonsubstantive amendment to subsection 11.8.9.1 should be adopted; and

**WHEREAS**, the Commission finds that subsection 16.2.3.1.4, which relates to the authorization documentation requirements of community energy facilities, should be amended to clarify that documentation from the Delaware Secretary of State should be issued within ninety (90) days of filing. In comparison, the unamended version requires that documentation issued within ninety (90) days of filing from both the Delaware Secretary of State and the Delaware Division of Revenue should be provided. The Commission finds that this nonsubstantive clarification is beneficial to applicants, and corrects the form of the subsection. Accordingly, the nonsubstantive amendment to subsection 16.2.3.1.4 should be adopted;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, for the reasons set forth above, the Commission hereby approves as final the attached *Rules for Certification and Regulation of Electric Suppliers, Net Metering and Community Energy Facilities Rules*, 26 Del. C. § 3001 et seq. A marked-up version of the *Rules* reflecting only the amended sections is attached as Exhibit “A.”

2. Pursuant to 26 Del. C. §§ 10113 and 10118, the Secretary of the Commission shall transmit a copy of this Order (with the attached Amended Rules) to the Registrar of Regulations

for publication in the June 1, 2023 edition of the *Delaware Register of Regulations*. An exact copy of the Amended Rules shall be published as the current official regulations in the *Delaware Register*.

3. That, pursuant to 29 *Del. C.* § 10118(g), the effective date of the amendments shall be later of June 11, 2023, or ten (10) days after publication in the *Delaware Register of Regulations*.

4. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Dallas Winslow, Chairman

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Joann Conaway, Commissioner

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Harold B. Gray, Commissioner

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Manubhai Karia, Commissioner

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K.F. Drexler, Commissioner

**ATTEST:**

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Donna Nickerson, Secretary